IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 13456 of 1995

Between:

1 V.Prabhakar, S/o. V.Nagesham,
H.No.8-1-196/A, Shaikpet Village,
Golconda Mandal, Hyderabad.
2 V.Pramod Kumar, S/o. Nagesham,
rep. Guardian his natural brother V.Prabhakar.

..... PETITIONERS.

AND

1 Government of A.P., rep. by its Secretary,
Revenue Department, Secretariat,
Hyderabad.
2 Collector, Hyderabad District.
3 Mandal Revenue Officer,
Golconda Mandal, Hyderabad District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in initiating the proceedings under A.P. Land Encroachment Act 1905 to our property bearing H.No.8-1-196/A comprising 435 sq.mts in T.S.No.0/4/6 ward No.13, Block 'C', Shaikpet Village, Golconda Mandal, Hyderabad District with structures thereon as illegal, arbitrary and without jurisdiction and consequently restrain the respondents from interfering with the petitioner's peaceful possession and enjoyment of the above premises.

Counsel for the Petitioners: MR.P.A.V.BALAPRASAD

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

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Heard Sri P.A.V. Bala Prasad, the learned counsel appearing for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

The petitioners' main grievance in this writ petition is against the initiation of the proceedings by the respondents under the provisions of the A.P. Land Acquisition Act, 1905 in respect of the property bearing H.No.8-1-196/A comprising 435 sq. meters in T.S.No.0/4/6 Ward No.13, Block 'C', Shaikpet village, Golconda Mandal, Hyderabad and issuance of notice as such under Section 7 of the said Act as illegal and arbitrary.

This Court had granted interim stay at the stage of admission and the same has been subsisting all along. During the course of arguments, it is submitted on either side that in respect of the very same property, the Government already filed L.G.C.No.46 of 2002 which is now pending on the file of Land Grabbing Court. In view of the same, it is not necessary to go into the claim or objections from either side. It would suffice in the interest of justice that all these objections and claims can as well be gone into and decided on merits in the said L.G.C.

Subject to the above, the writ petition is dismissed. It is needless to observe that till the disposal of the said L.G.C., the

petitioners' possession shall not be disturbed in any manner. No costs.

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B. PRAKASH RAO, J

17th March 2005.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Revenue Department, Government of A.P.,
Secretariat, Hyderabad.
2 The Collector, Hyderabad District.
3 Mandal Revenue Officer,
Golconda Mandal, Hyderabad District.

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings,
Hyderabad (OUT).

5 Two C.D. copies.